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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,772	09/22/2004	Roland Gries	SPM-378-A	7974
22825	7590	12/11/2007		
WILLIAM M HANLON, JR YOUNG & BASILE, PC 3001 WEST BIG BEAVER ROAD SUITE 624 TROY, MI 48084-3107			EXAMINER SHAPIRO, JEFFERY A	
			ART UNIT 3653	PAPER NUMBER
			MAIL DATE 12/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/508,772	Applicant(s) GRIESE, ROLAND	
	Examiner Jeffrey A. Shapiro	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 12 recites the limitation "coin shaft" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 4-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Newton et al (US 5,485,906).

Regarding Claims 1 and 12, Newton discloses a coin distributor (2) having a deflection unit, as illustrated in figure 2, which has a movable deflection member (12) for sorting coins into either reject shaft (14) or accept path (18), and at least one device (22) for detecting the passage of a coin through a coin shaft, the device including one emitter (30), a beam deflector (38) and a beam receiver (34). See Newton, figures 2-4 and col. 1, line 60-col. 3, line 18.

Note that the beam deflector (38) is considered to be secured to the movable deflection member (12) through hooks (40) which snap onto shafts (42).

Regarding Claim 4, note that emitter (30) is an infra-red light emitting diode.

See Newton, col. 2, lines 40-44.

Regarding Claim 5, note again that the beam deflector is a prism (38).

Regarding Claim 6, note that the beam receiver is an infra-red light receiver in the form of a photosensor (34).

Regarding Claim 7, note again that the two shafts are either coin reject shaft (14) or coin accept shaft (18).

Regarding Claim 8, note again that movable deflection member (12) is a pivotable flap.

Regarding Claim 9, note that when a coin travels through coin shaft (18), the coin passes between the diode (30) and photosensor (34), which both reside in the same plane, and the prism (38) which resides on an opposite plane. This action blocks the beam emitted from the emitter/diode (30), thus causing the radiant power sensed by the photosensor to decrease to zero. When no coin is traveling through the coin shaft, the beam is uninhibited by the coin, thus allowing the full strength and radiant power of the beam to be sensed by the photosensor continuously.

Regarding Claims 10, 12 and 13, note that Newton's gate, if it never moves, will never move deflector (38). Therefore, under such a condition, Newton's gate can be made to always maintain a substantially perpendicular beam deflector surface with respect to the beam emitted by the beam emitters.

Regarding Claims 11 and 14, note that Newton discloses at col. 2, lines 5-7, that a solenoid is used to move the gate (12). Such a solenoid is construed as an electromagnet that drives said gate.

5. Claims 1 and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Newton et al (US 5,485,906).

Regarding Claims 1, 10, 12 and 13, Newton discloses the device as described above. However, Applicant's beam deflector as recited in Claims 1 and 10-14 is considered to also read on Newton's beam deflector (32). Beam deflector (32) is construed as being connected to the gate (12) through the device superstructure. This deflector (32) always remains perpendicular to the beam emitted from the beam emitter.

Again, note that **Claims 11 and 14** are disclosed in Newton as described previously.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newton in view of Hoffman et al (US 5,823,315).

Newton discloses the coin distributor described above, having a single detecting device (22) with each of a beam emitter, beam deflector and a beam receiver.

Regarding Claims 2 and 3, Newton does not expressly disclose, but Hoffman discloses at least a second detection device comprising a second emitter/detector pair (40a-d and 41a-d). See Hoffman, figures 4a and 5a-c, as well as col. 10, line 52-col. 12, line 12.

Note that the direction of coin moving along the coin path is capable of being detected from the signals of Hoffman's beam receiver signals, since at least one set of emitter/detector pairs is located vertically spaced from at least one other set.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have incorporated at least one other beam emitter/detector pair located either vertically spaced above or below Newton's original single emitter/detector pair, for the purpose of detecting "two coins passing the sensors in immediate succession" which result in "double counting", for detecting a coin "tilting incident, or use of a tethered coin, i.e, a "string gimmick", as mentioned at Hoffman, col. 11, lines 29-35 and 50-59.

Response to Arguments

8. Applicant's arguments filed 10/2/07 have been fully considered but they are not persuasive. Applicant asserts on p. 9, lines 11-22, that Applicant's flap (36) is not identical with the accept gate (12) because Applicant's flap does not move as Newton's. However, there is no structural limitations which preclude the rejection of Applicant's claims over Newton's structure. For example, Applicant's Claim 1 only calls for

a "[c]oin distributor containing a deflection unit which has a moveable deflection member for sorting coins into different coin shafts, and at least one device for detecting the passage of a coin through a coin shaft, the at least one device including at least one emitter, a beam deflector and a beam receiver, characterized in that the beam deflector is secured to the moveable deflection member.

As can be seen above, all that is called for is a "deflection unit" with a movable deflection member, i.e., flap (12) of Newton, including at least one emitter (30), a beam deflector (38) and a beam receiver (34). Note that the beam deflector (38) is considered to be secured to the movable deflection member (12) through hooks (40) which snap onto shafts (42). Nothing more is required by Independent Claim 1 under the broadest reasonable interpretation. There are no structural limitations which prevent Applicant's claim limitations from reading on Newton's device. Newton's flap is movable, and can be considered a deflector since a coin hitting it will be deflected to one shaft or the other. Additionally, Applicant's claim limitations read on beam deflector (32), which is considered to also be attached to the flap (12) through the superstructure of Newton's coin validator. Flap (36), gate (12), and prisms (32, 38) are components of the coin deflection unit inasmuch as Applicant's deflection unit has the same component parts as described in Applicant's claims.

Applicant appears to be asserting that functional differences between Newton's device and that of Applicant's differentiate Applicant's device as claimed over Newton's. However, according to MPEP 2114, "apparatus claims must be structurally distinguishable from the prior art." Further, '2114 states, "[the] manner of operating the

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device does not differentiate apparatus claim[s] from the prior art.” Also, under MPEP 2111, “claims must be given their broadest reasonable interpretation.”

Therefore, as discussed previously, a broadest reasonable interpretation of Applicant’s claims invites the application of Newton’s disclosed device as set forth above.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeffrey A. Shapiro
Examiner
Art Unit 3653

December 8, 2007



PATRICK MACKEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

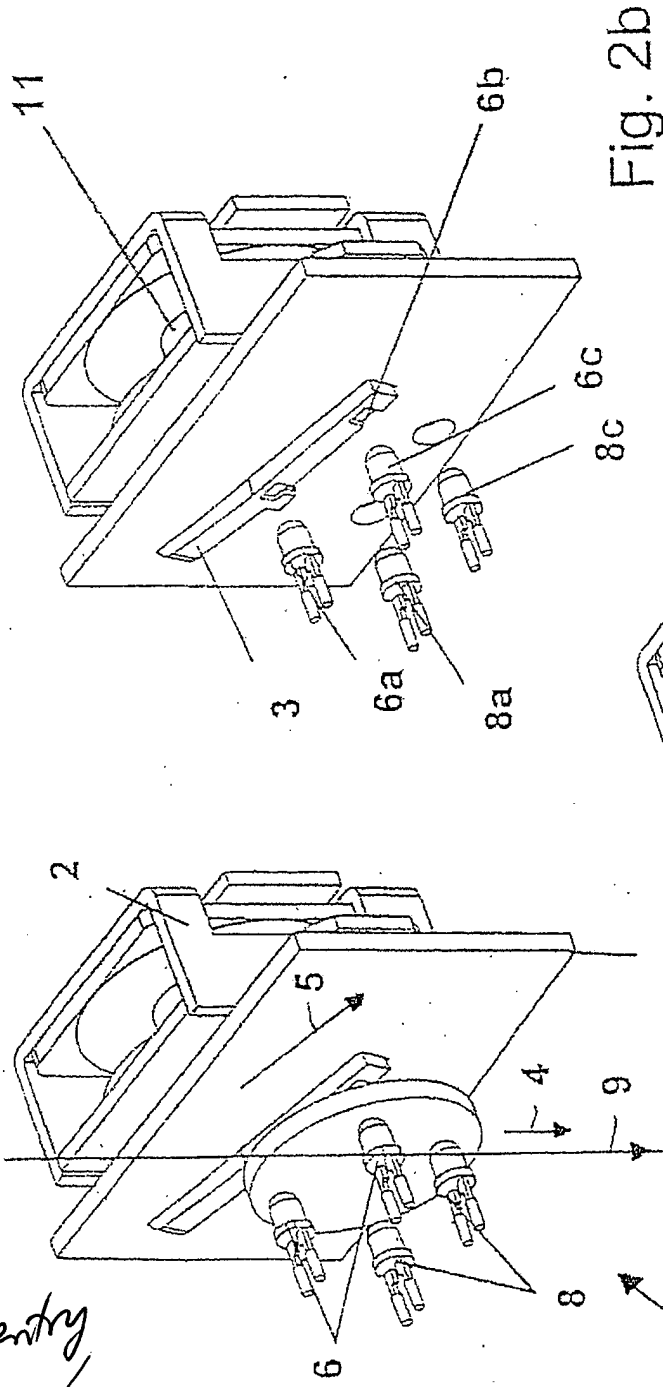


Fig. 2b

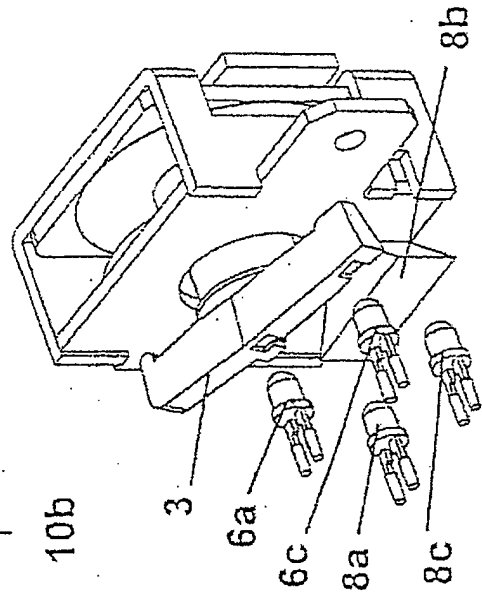


Fig. 3

Fig. 2a

ok for entry
 JAL
 12/8/07